

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JESUS I. FLORES,

Petitioner,

VS.

STATE OF NEVADA,

## Respondents.

Case No. 2:14-cv-01629-GMN-VCF

## ORDER

Petitioner has submitted an application to proceed *in forma pauperis* (#1) and a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court finds that petitioner is unable to pay the filing fee.

13 The court has reviewed the petition pursuant to Rule 4 of the Rules Governing Section 2254  
14 Cases in the United States District Courts (“Habeas Rules”). Petitioner has not named the correct  
15 respondent. The correct respondent is the warden of the prison where plaintiff is in custody.  
16 Habeas Rule 2(a). Petitioner will need to file an amended petition to correct this defect. He will  
17 need to re-allege all his grounds for relief in the amended petition, or they will be waived. *King v.*  
18 *Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987).

19           **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (#1) is  
20           **GRANTED**. Petitioner need not pay the filing fee of five dollars (\$5.00).

21       **IT IS FURTHER ORDERED** that the Clerk of the Court shall file the petition for a writ of  
22 habeas corpus pursuant to 28 U.S.C. § 2254.

23       **IT IS FURTHER ORDERED** that the Clerk of the Court shall send petitioner a petition for  
24 a writ of habeas corpus pursuant to 28 U.S.C. § 2254 form with instructions. Petitioner shall have  
25 thirty (30) days from the date that this order is entered in which to file an amended petition to  
26 correct the noted deficiencies. Neither the foregoing deadline nor any extension thereof signifies or  
27 will signify any implied finding of a basis for tolling during the time period established. Petitioner  
28 at all times remains responsible for calculating the running of the federal limitation period and

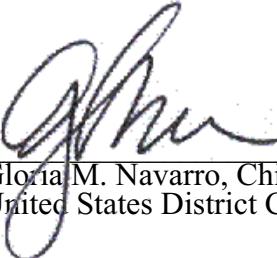
1 timely asserting claims. Failure to comply with this order will result in the dismissal of this action.

2       **IT IS FURTHER ORDERED** that petitioner shall clearly title the amended petition as such  
3 by placing the word “AMENDED” immediately above “Petition for a Writ of Habeas Corpus  
4 Pursuant to 28 U.S.C. § 2254” on page 1 in the caption, and petitioner shall place the docket  
5 number, 2:14-cv-01629-GMN-VCF, above the word “AMENDED.”

6       **IT IS FURTHER ORDERED** that the Clerk shall add Catherine Cortez Masto, Attorney  
7 General for the State of Nevada, as counsel for respondents.

8       **IT IS FURTHER ORDERED** that the clerk shall electronically serve upon respondents a  
9 copy of the petition and this order. Respondents’ counsel shall enter a notice of appearance herein  
10 within twenty (20) days of entry of this order, but no further response shall be required from  
11 respondents until further order of the court.

12      **DATED** this 15th day of December, 2014.



---

Gloria M. Navarro, Chief Judge  
United States District Court

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28